

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2362-01  
Bill No.: HB 1058  
Subject: Crimes and Punishment; Religion  
Type: Original  
Date: February 27, 2002

---

**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	Less than (\$100,000)	Less than (\$100,000)	Less than (\$100,000)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>Less than (\$100,000)</b>	<b>Less than (\$100,000)</b>	<b>Less than (\$100,000)</b>

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

**FISCAL ANALYSIS**

### ASSUMPTION

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Prosecution Services** assume the proposed legislation would have no fiscal impact on prosecutors.

Officials from the **Office of Attorney General** assume the costs of the proposed legislation could be absorbed within existing resources.

Officials from the **Department of Public Safety – Division of Fire Safety (DFS)** assume the proposed legislation may effect the frequency their investigators are called to testify in court, or the duration of their testimony. However, the DFS assumes the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of State Public Defender** assume, for the purpose of this proposed legislation, that existing staff could provide representation for those few cases arising where indigent persons were charged with a hate crime via arson. Last FY, the State Public Defender System provided representation in 138 arson cases and one hate crime case. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the additional cases.

Officials from the **Department of Corrections (DOC)** assume defined arson crimes could be charged as a hate crime punishable as a class A felony. Currently Arson I is a class A felony and is also classified as a Dangerous Felony (and would be required to serve 85% of their sentence) so the new language would not affect 1st degree Arsonists.

Arson II offenders are currently charged with a class C felony and there were 39 admittances to the DOC in FY01 for this crime. Charges for a class A felony pursuant to the modification would find them serving 4 extra years after the 2nd year out of currently served time. Using the basis of the percentage of property damage offenses motivated by discrimination (1.6%) would give an approximate of 1 offender charged under this new crime with the effect felt the 3rd year.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY01 average of \$35.78 per inmate per day, or an annual cost of \$13,060 per inmate) or through supervision provided by the Board of Probation and Parole (FY01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

### ASSUMPTION (continued)

The DOC is unable to determine the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, estimates indicate the impact would be less than \$100,000 per year for the DOC.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>GENERAL REVENUE FUND</b>			
<u>Costs – Department of Corrections</u> Incarceration/probation costs	Less than <u>(\$100,000)</u>	Less than <u>(\$100,000)</u>	Less than <u>(\$100,000)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>Less than (\$100,000)</u></b>	<b><u>Less than (\$100,000)</u></b>	<b><u>Less than (\$100,000)</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

#### FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

#### DESCRIPTION

The proposed legislation makes arson in the 1<sup>st</sup> degree and arson in the 2<sup>nd</sup> degree a class A felony if the building or structure damaged is a church or place of worship and race, color, religion, national origin, sex, sexual orientation, or disability of the victim(s) is a motivational factor.

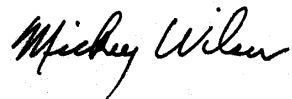
#### DESCRIPTION (continued)

BLG:LR:OD (12/01)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. This legislation would not affect Total State Revenue.

SOURCES OF INFORMATION

Department of Public Safety  
– Division of Fire Safety  
Office of State Courts Administrator  
Office of Attorney General  
Office of Prosecution Services  
Office of State Public Defender

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Acting Director

February 27, 2002